

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTELL JONES,

Plaintiff,
v.
HEIDI WASHINGTON, SHERMAN
CAMPBELL, BROCKWAY, JOHN DOE,
AMANDA PEEKS, BRANDON LEE, and
WILLIAM LINDBERG

Case Number 22-11047
Honorable David M. Lawson
Magistrate Judge Kimberly G. Altman

Defendants,
/

**ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING IN PART MOTION TO DISMISS, AND DISMISSING
CLAIMS AGAINST CERTAIN DEFENDANTS**

Presently before the Court is the report issued on October 11, 2023 by Magistrate Judge Kimberly G. Altman under 28 U.S.C. § 636(b) on the defendants' renewed motion to dismiss, or in the alternative, for summary judgment on the basis of exhaustion. Magistrate Judge Altman recommended that the Court deny the defendants' motion for summary judgment because the defendants did not establish that Jones failed to exhaust his administrative remedies. However, the magistrate judge also recommended that the Court grant the motion to dismiss as to defendants Washington, Campbell, Peeks, and Lee on the ground that the plaintiff does not allege sufficient facts to establish that they were personally involved in his alleged mistreatment or that there was a custom or policy that caused it.

The deadline for filing objections to the report has passed, and no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Tchrs. Loc.* 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to

independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 46) is **ADOPTED** and the defendant's renewed motion to dismiss, or in the alternative, for summary judgment (ECF No. 33) is **GRANTED IN PART AND DENIED IN PART**.

It is further **ORDERED** that the plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** against defendants Washington, Campbell, Peeks, and Lee **ONLY**. The defendants' motion is **DENIED** in all other respects.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 2, 2023